

REMARKS

This is a full and timely response to the non-final Office action mailed June 4, 2008. Reconsideration and allowance of the application and presently pending claims are respectfully requested.

Present Status of Patent Application

Upon entry of the amendments in this response, claims 1, 3-6, 9, and 10 are pending in the present application. More specifically, claims 1, 3-6, 9, and 10 have been previously presented; and claims 2, 7, and 8 have been canceled without prejudice, waiver or disclaimer. Applicant reserves the right to pursue the subject matter of the canceled claim in a continuing application if he so chooses, and does not intend to dedicate the subject matter of the canceled claims to the public.

Reconsideration and allowance of the application and presently pending claims are respectfully requested.

A. Allowable Subject Matter

Applicant wishes to place on record his sincere gratitude towards Examiner for allowing claims 1, 3-6 and 9.

B. Claim Rejections under 35 U.S.C. §102

Statement of the Rejection

Claim 10 is rejected under 35 U.S.C. 102(e) as being anticipated by Lano et al. (US 20020163943).

Response to the Rejection

Claim 10

In rejecting Applicant's claim 10, the Office action alleges on page 3 that Lano discloses in his Fig. 1 and 2 a mounting arrangement: "*wherein said laser source has a lasing direction (arrow head beams) and said auxiliary component is displaced laterally with respect to said lasing direction of said laser source, and wherein said laser source includes front and back lasing facets 10a and 10b aligned along said lasing direction, said auxiliary component has a surface 141 exposed to radiation from said back facet 10b of the laser source 10, and in that said surface is tilted laterally with respect to said lasing direction so that radiation from said laser back facet*

along said lasing direction is reflected away from such direction” (emphasis added).

Applicant respectfully traverses this allegation because contrary to radiation being “reflected” away from the lasing direction, Lano’s surface 141 is specifically angled so as to capture as much of the radiation as possible.

In this matter, attention is drawn to Lano’s [0044], which states: “Radiation from laser source 10 impinging onto surface 141 at angles in the vicinity of the Brewster angle means that such optical radiation is in fact “captured” by slice 14 and thus caused to propagate through slice or slab 14 towards surface 142, through interference filter 15 and on towards photodiode 11.”

Lano further discloses in his FIGS. 4-6, diagrams pertaining to Snell’s law for different interfaces. In describing these diagrams, Lano discloses in his paragraph [0050] that “the radiation from source 10 impinging onto surface 141 is significantly reduced once such radiation is “captured” by slice 14 and caused to propagate through it. Slice 14 thus gives rise to a sort of focusing effect of radiation.”

As can be understood by Lano’s statements, one of ordinary skill in the art will recognize that Lano’s angle is purposely selected so as to maximize refraction (for capture) or in other words so as to minimize reflection.

In contrast, Applicant’s claim 10 is directed to an auxiliary component having a surface that is specifically “tilted laterally with respect to said lasing direction so that radiation from said laser back facet along said lasing direction is reflected away from such direction.” Clearly, the tilting angle requirements for these two conflicting actions (refraction i.e. into an object vs. reflection i.e. away from an object) are distinctly different. Consequently, Applicant respectfully submits that the configuration as cited in Applicant’s claim 2 is not anticipated by Lano.

As is known, a proper rejection under 35 U.S.C. §102 requires that a single prior art reference disclose every element of the claim with no question of obviousness being present. In the current rejection, the cited prior art of Lano fails to satisfy this requirement. Consequently, Applicant respectfully requests withdrawal of the rejection, followed by allowance of claim 10.

Prior Art Made of Record

The prior art made of record has been considered, but is not believed to affect the patentability of the presently pending claims.

CONCLUSION

In light of the reasons set forth above, Applicant respectfully submits that pending claims 1, 3-6, 9, and 10 are in condition for allowance. Favorable reconsideration and allowance of the present application and all pending claims are hereby courteously requested. If, in the opinion of the Examiner, a telephonic conference would expedite the examination of this matter, the Examiner is invited to call the undersigned representative at (404) 610-5689.

Respectfully submitted,

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I hereby certify that this paper is being electronically transmitted to the Commissioner for Patents on the date shown below:

Date of transmission: 15 August 2008

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